

REMARKS

Entry of the foregoing and reexamination and reconsideration of the subject application, as amended, pursuant to and consistent with 37 C.F.R. § 1.112, are respectfully requested in light of the following remarks.

Claims 57-62, 65-73, 76-78, 81, 82, 85, 86, 89-91, 94-106 and 109-135 are present in this application. Claims 1-53, 92 and 93 were previously cancelled. Claims 54-56, 63, 64, 74, 75, 79, 80, 83, 84, 87, 92, 93, 107 and 108 were cancelled in this amendment. Claims 123 - 135 have been added. Claims 89-91 and 94-106, 121 and 122 have been withdrawn from consideration by the Examiner as being drawn to non-elected groups in a restriction requirement. The withdrawn claims have not been cancelled to allow for rejoinder of the withdrawn claims upon allowance of the claims under consideration. Claims 57-62, 65-73, 76-78, 81, 82, 85, 86, 109-120 and 123 - 135 are under consideration in this application.

Claims 57-62, 65-69, 81 and 82 have been amended depend from claim 85. These claims previously depended from claim 54, which was cancelled in this amendment. Claim 65 has also been amended to correct the reference to the formula. Claims 70, 72, 85, 86 and 114 have been amended to be in independent form by incorporating the limitations of the base claim and intervening claims. Claims 76-78, 109-113 and 115-120 have been amended depend from claim 114. These claims previously depended from claim 108, which was cancelled in this amendment. Support for these amendments are found in the previous version of the claim.

Claims 123 - 135 have been added. Claims 123-135 are analogous to claims 57 - 62, 65-69, 81 and 82, but depend from claim 86.

No new matter has been introduced as a result of the foregoing amendments.

Double Patenting

Claims 54, 55, 58, 59, 61-63, 65, 66, 68-70, 72, 76, 77 and 80-84 have been provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over co-pending Application No. 10/580,422 as published in U.S. Patent Application Publication 2007/0083034 on April 12, 2007.

Applicants request that this matter be held in abeyance until such time as one of the applications is otherwise allowable. It is believed to be premature to file a terminal disclaimer before the scope of the claims has been settled. In the event that the Examiner is ready to allow this application except for this rejection, he is asked to contact the undersigned so that an appropriate terminal disclaimer can be promptly prepared and filed.

Allowable Subject Matter.

Claims 70-73, 85, 86, 114 and 120 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 70, 72, 85, 86 and 114 have been rewritten in independent form and include all of the limitations of the base claim and any intervening claims. Therefore these claims are in the condition for allowance.

Claims 57-62, 65-69, 81 and 82 depend from allowable claim 85 and are also therefore allowable.

Claim 71 depends from allowable claim 70.

Claim 73 depends from allowable claim 72.

Claims 76-78 and 115-120 depend from allowable claim 114.

Claims 124-135 depend from allowable claim 86.

Therefore all of the claims under consideration are allowable.

35 U.S.C. §102(b) prior art rejections

Claims 54-57, 60-63, 65-69 and 79-83 have been rejected under 35 U.S.C. §102(b) as being anticipated by Killat et al. (US 4,871,779).

Claims 54-56, 79, 80 and 83 have been cancelled. Claims 57, 60-63, 65-69, 81 and 82 have been amended to depend from allowable claim 85.

Therefore this rejection is moot.

In view of the foregoing, it is believed that entry of the proposed amendments should be allowed and that the record rejections cannot be maintained against the proposed claims once entered into this application. Further, favorable action in the form of a Notice of Allowance is believed to be next in order and is earnestly solicited.

In the event that the Examiner is ready to allow this application except for the double patenting rejection, he is asked to contact the undersigned so that an appropriate terminal disclaimer can be promptly prepared and filed. The Examiner is also requested to rejoin the withdrawn claims.

Respectfully submitted,

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